THE DISTRICT OF COLUMBIA
LOTTERY AND CHARITABLE GAMES CONTROL BOARD

NOTICE OF FINAL RULEMAKING

The Executive Director of the District of Columbia Lottery and Charitable Games Control Board, pursuant to the authority set forth in D.C. Official Code §3-1306, District of Columbia Financial Responsibility and Management Assistance Authority Order issued September 21, 1996, and Office of the Chief Financial Officer Financial Management Control Order No. 96-22 issued November 18, 1996, hereby gives notice of the adoption of amendments to Chapters 9 and 99 of Title 30 DCMR, "Lottery and Charitable Games." No substantive changes have been made to the text of the emergency and proposed rules published in the DC Register on May 9, 2003 at 50 DCR 3726. The final rules will be effective upon publication of this notice in the DC Register.

AMEND CHAPTER 9. "DESCRIPTION OF ON-LINE GAMES"

Amend subsection 925.3 to read as follows:

925.3 At each KENO drawing twenty (20) winning numbers from a field of eighty (80) numbers are selected by a computer-driven random number generator. The winning numbers are displayed on a monitor at identified agent locations.

Amend the title of section 926, and subsections 926.1, 926.2 and 926.4 to read as follows:

926 KENO PRIZE AND PRIZE STRUCTURE

926.1 KENO prizes for each drawing shall be determined based on the Spots selected, the numbers matched and the amount(s) wagered, except that no prize in a 9 Spot Game or a 10 Spot Game shall exceed $100,000.

926.2 Set prizes based on a $1 wager shall be paid as set out in the prize structure at section 926.3. Overall odds of winning and prizes are determined for each Spot Game.

926.4 In any single drawing, there shall be a $1,500,000 prize cap on the total of all $100,000 prizes paid for a 10 Spot Game. If in a single drawing, there are more than fifteen (15) $100,000 prizes in the 10 Spot Game, the total prize pool of $1,500,000 will be distributed equally among all winning $100,000 - 10 Spot Game tickets, resulting in a prize less than $100,000 for each winning ticket.

Amend Chapter 9 by deleting subsection 926.5.

AMEND CHAPTER 99, "DEFINITIONS"

Amend subsection 9900.1 by adding the following:

> **KENO** - the game described in sections 925-930. "KENO" is synonymous with "Keno", and with "DC KENO", "D.C. KENO", "D.C. Keno" or DC Keno", which are used in game instructions, play brochures, agent bulletins, point of sale materials and various media to explain and promote the game, and which are trademarks of the District of Columbia.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
Order No. 02-15-B
Case No. 02-15
(Text Amendment – Public Recreation and Community Center Use -- 11 DCMR)
June 10, 2003

The Zoning Commission for the District of Columbia, pursuant to the authority set forth in § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799; D.C. Official Code § 6-641.01, hereby gives notice of the adoption of amendments to Chapters 1, 2, 4, 5, 6, 9, 21, 22, and 34 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations). The rule establishes provisions to allow public recreation and community centers in R-1 and less restrictive districts. As discussed below, a number of minor substantive, grammatical, and codification changes were made to the text of proposed rule published on February 14, 2003, at 50 DCR 1585. These final rules will be effective upon publication of this notice in the *D.C. Register*.

The Commission took action to adopt these final rules at a public meeting held on May 12, 2003.

Existing Zoning

The District of Columbia government, including the Department of Parks and Recreation ("DPR"), became subject to zoning as of May 23, 1990, by virtue of the Council of the District of Columbia's enactment of Section 7(a) of the District of Columbia Comprehensive Plan Act of 1984 Land Use Element Amendment Act of 1984, effective May 23, 1990 (D.C. Law 8-129; D.C. Official Code § 1-301.68). The Zoning Regulations were never amended to authorize public recreation facilities as a matter-of-right. Unless these amendments are adopted, the District would require variances to expand its facilities.

Description of Text Amendment

The amendment establishes a new use: "public recreation and community center," which may be permitted as a matter-of-right or special exception, depending on size and location. The facility must be under the jurisdiction of a public agency.

The new rules allow for a maximum matter-of-right lot occupancy of twenty percent (20%) in R and less restrictive districts and up to 40% as a special exception. The rules also establish a height limitation of 45 feet, as well as maximum floor area ratios ("FAR") that vary depending

upon the zone district. The floor area ratios may be increased beyond matter-of-right limits if approved through the special exception process. For side and rear yards, the amendment treats the use the same as public schools, which are largely exempt from such requirements. The amendment also establishes that such a center cannot exceed a gross floor area of 40,000 square feet, unless approved as a special exception. Lastly, the amendment establishes parking requirements for the use that are a function of the size and purpose of the center, as well as a loading berth requirement for larger centers.

Relationship to the Comprehensive Plan

The text amendment is consistent with neighborhood stabilization goals of the Comprehensive Plan, which state that public facilities, "add to the livability of our communities" (Chapter 1, § 102.3). The amendment is also consistent with land use policies advocated in the Comprehensive Plan, which provide that, "[a]dequate recreation opportunities and access to cultural and neighborhood educational facilities are. . . necessary ingredients of neighborhood vitality." (Chapter 11, § 1100.2(a)).

The amendment is also supported by the individual Ward Plans, as outlined in the Office of Planning report dated January 7, 2002 (see Comprehensive Plan §§ 1219, 1312, 1312.12, 1313.1, 1405.4, 1516.3, 1618.1, 1719(e) & (g), 1812(b) & (h), 1816.6, 1916, and 1925).

Set Down, Advertisement, and Pre-Hearing Comment

The Commission initiated this rulemaking in response to a petition from DPR (the "Petitioner"). DPR seeks to upgrade, remodel, and construct a number of recreation facilities throughout the District.

The Office of Planning's set down report, dated January 7, 2002, outlined the difficulties DPR faces in renovating and constructing its facilities absent an accommodating use designation in the Zoning Regulations. OP also submitted a report dated June 26, 2002, in which it set forth a proposed definition for "public recreation facilities" and "public community centers."

The version of the rules set down for hearing, as stated in the notice of hearing (published on May 10, 2002, at 49 DCR 4344), would have allowed public recreation and community centers to be treated the same as public schools in the Zoning Regulations.

Prior to the hearing date of July 1, 2002, the Commission received a letter dated June 28, 2002, from ANC 4B, which indicated that at a public meeting, at which a quorum was present, the ANC voted to oppose the adoption of amendments to allow the proposed use in residential districts. The Commission also received written comments from the Sierra Club dated June 27, 2002, which expressed concern over the height and permitted lot occupancy for the permitted structures. Plan Takoma submitted a request that final action be delayed on this matter to allow time for civic groups to discuss and understand the changes. Friends of Takoma Recreation Center, by letter dated June 25, 2002, objected to the matter-of-right provisions in the advertised rule.

Public Hearing

At the public hearing held July 1, 2002, the petitioner testified in favor of the advertised rule, as did a number of citizens who generally supported the development and expansion of recreation centers.

Barbara Zartman, Chair of the Zoning Subcommittee, Committee of 100 on the Federal City, spoke at the hearing and submitted a written statement in opposition to the matter-of-right size proposed for the centers. The Commission also received the written statement of the Subcommittee on Parks and the Environment, Committee of 100 on the Federal City. A number of other citizens spoke in opposition to the rule, many of whom voiced objections in the context of the Turkey Thicket Regional Park Project.

After the public hearing, but prior to taking proposed action, the Commission received a number of letters. Letters in opposition to the rule were received from Ruth E. Foster and Dino Drudi (July 3, 2002), James L. Watkins (July 8, 2003), and the Committee of 100 on the Federal City, which specifically objected to matter-of-right development of park and recreation facilities (July 14, 2002). A letter in support of the proposed rule was received from Linda Mines, dated July 8, 2002. A number of persons also submitted letters during this time period that generally supported the rulemaking but were in favor of giving more density than was proposed. Specifically, these persons wanted to allow maximum matter-of-right density levels of forty percent (40%) lot occupancy, forty-five (45) foot height, and 50,000 square feet of gross floor area in R Districts.

ANC 5A by report dated July 3, 2002, indicated that, at a scheduled meeting, with a quorum present, the ANC voted to support the text amendment.

Proposed Action

The Zoning Commission voted to take proposed action at its regularly scheduled meeting held December 9, 2002. The proposed rulemaking specified density limitations more stringent than those originally advertised in the hearing notice. Because all concerned had an adequate opportunity to address the issue of density at the hearing and through the submission of comments, the Commission determined that an additional hearing on the subject matter was neither legally required nor helpful to the Commission's decision in the case.

In its vote to take proposed action, the Commission considered recommendations included in OP's supplemental report dated December 2, 2002. Included in those recommendations was a change to the definition. As a result, a revised definition for "public recreation and community center" was included in the text of the proposed rules. However, the Commission chose to limit the reach of the definition, referencing only "wellness" instead of "health and wellness" activities, classes, and services. OP's report also clarified that the existing use, "Community Service Center," referenced in § 209 of the Zoning Regulations, would not be affected by this rulemaking where such centers are operated by non-profit organizations for slightly different purposes. OP reiterated its position that a maximum matter-of-right forty percent (40%) lot occupancy and a maximum matter-of-right height of forty-five (45) feet would be appropriate.

OP also stated that it opposed a maximum matter-of-right overall gross floor area for the centers. The supplemental report also recommended a schedule of parking requirements that were in accordance with those recommended by the District Department of Transportation in its report dated July 12, 2002. Lastly, the report detailed recommended thresholds for those seeking special exception relief. Thresholds were incorporated into the proposed rulemaking, but at lower levels than recommended by OP.

After taking proposed action, but prior to the publication of the notice of proposed rulemaking, the Commission received written comments from the Hillcrest Community Association Committee (January 8, 2003), Hillcrest Community Civic Association (January 18, 2003), and the Washington East Foundation (January 27, 2003).

In addition ANC 7B/Naylor Dupont, by report dated January 21, 2003, indicated that, at a scheduled meeting, with a quorum present, the ANC voted to support the text amendment, but with the higher density recommended by the other persons submitting comments.

A notice of proposed rulemaking was published in the February 14, 2003, edition of the *D.C. Register*. Under the terms of § 492 of the District of Columbia Charter, the proposed text was referred to the National Capital Planning Commission ("NCPC"). NCPC, by report dated May 30, 2003, found that the proposed text amendment will not adversely affect the federal interests nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

Following publication of the proposed rulemaking, the Zoning Commission received a report from OP, dated February 21, 2003, and a letter on behalf of the Petitioner, dated March 14, 2003. The substance of these two (2) submittals, and the Commission's actions in response, are discussed below.

Final Action

The Commission took final action on the proposed rules at its public meeting of May 12, 2003. During the deliberations that preceded final action, the Commission focused principally on the submittals made by the Office of Planning and the Petitioner after publication of the proposed rule.

The OP comments included some minor, clarifying recommended changes to the definition of public recreation and community center. OP also recommended increasing matter-of-right density, finding that the proposed levels were unduly restrictive. OP modified its earlier recommendation that the new use be allowed a maximum matter-of-right lot occupancy of forty percent (40%) in all districts. OP instead recommended matter-of-right lot occupancy of up to forty percent (40%) in residence districts and sixty percent (60%) in all other districts. In the alternative, OP supported a matter-of-right lot occupancy maximum of thirty percent (30%) with no cap on special exception relief.

OP's objections to the proposed levels are based, in part, upon its premise that the higher density recreation space would be in balance with the surrounding character of the districts, and that a

the proposed matter-of-right and special exception density limits would require many pending projects to apply for variance relief, which may prove difficult to obtain.

The Petitioner's comments generally supported the OP comments outlined above regarding density and were consistent with the Petitioner's November 14, 2002, submission, which also included comments solicited from the community. The comments included recommending the changes proposed by OP.

The Commission believes, however, that the forty percent (40%) lot occupancy advocated by OP would have allowed too much conversion of important open space. The Commission did, however, vote to increase the allowable special exception for lot occupancy from a thirty percent (30%) maximum to a forty percent (40%) maximum.

As for building height, OP recommended that the maximum permitted matter-of-right height be increased to forty-five (45) feet, in keeping with the requirement applicable to public schools. This recommendation was adopted by the Commission. It thus became unnecessary to consider OP's alternative recommendation to allow the Zoning Administrator to exercise a two percent (2%) discretionary flexibility. Also, OP did not support any limit on gross floor area, finding that limits on lot occupancy and FAR adequately address the Commission's concerns, and that many of the feared impacts of the use can be more easily addressed by appropriate parking standards. However, the Commission concluded that such a limit was appropriate, and that large centers over 40,000 square feet, which would tend to serve a larger geographic area, should only be permitted as a special exception, to ensure that they do not adversely impact the surrounding community.

Both OP and the Petitioner also supported an addition to the definition of public recreation and community center that allowed for "health and wellness" and "social" activities, classes and services. The Petitioner stated that adding the word "health" would allow a broad range of activities but would not allow programs or activities which would require additional regulations or licenses, such as an "out-patient clinic" or "drug treatment program." The Commission therefore voted to include the word "health" in the definition, but limited the ability of the centers to offer more traditional health programs by adding a sentence to the definition that precludes a center from having "examination rooms, treatment rooms, or other facilities for regular use by members of the medical or dental professions." The addition of the word "social," the Petitioner also stated, would allow it to continue to offer a broad range of activities and programs that serve targeted neighborhood populations in a social setting. The word "social," however, was not added, due the Commission's concern that it would allow too broad a range of activity. The Commission adopted the petitioner's recommendation to include within the definition "pantry-type" kitchen, with "limited food storage and preparation areas," so as to reflect the minor food preparation activities in existing and planned centers.

The Commission voted to include an amendment to § 2001.3, which allows enlargements or additions to nonconforming structures that contain conforming uses. The amendment establishes that nonconforming buildings housing public recreation and community centers, unlike other nonconforming buildings containing conforming uses, may expand so as to exceed lot occupancy requirements if given special exception approval. This change was intended to address the

concerns of the petitioner that it would not be able to modernize and update existing facilities under the lot occupancy limitations established by this rulemaking.

Lastly, the proposed FAR restrictions were modified to be consistent with the allowable lot and height limitations.

As noted above, ANC 4B voted in opposition to allowing these facilities in residential districts. The Commission, however, finds that access to recreation centers is an important part of any residential neighborhood, and that such centers should therefore be permitted in residential districts, but with adequate safeguards to avoid any adverse impacts.

The Commission believes that it made an adequate balance between competing concerns in this rulemaking. On one side, there were government's needs and the needs of the various communities using these centers, and on the other side there were concerns for those immediately adjacent to such centers and a general concern that large facilities will occupy a significant amount of what is now open space and parkland. The Commission believes that the lower density levels allowed for these centers are in the best overall interest of the District. While the centers serve a function similar to public schools, they do not necessarily perform a core function for the community. And without significant restraints on size, many centers could become extremely large, given the large parks and other open spaces available to the DPR for development. The Commission feels that this rulemaking will help ensure that there remains adequate open space, which offers its own recreation possibilities, while providing sufficient opportunity for indoor recreation and other community activities.

As for the language in the definition, the Commission declined to add the more expansive language advocated by the Petitioner and OP. While the Commission does not consider the definition to be a narrow one, the Commission did seek to place some limits on the range of activity that takes place in these centers. Without such limits, there is no way to adequately ensure that the centers will not have an adverse impact on the surrounding neighborhood.

The Office of the Corporation Counsel has determined that this rulemaking meets its standards of legal sufficiency.

Based on the above, the Commission finds that the proposed amendments to the Zoning Regulations are in the best interests of the District of Columbia, consistent with the purpose of the Zoning Regulations and Zoning Act, and not inconsistent with the Comprehensive Plan for the National Capital.

Title 11 DCMR (Zoning Regulations) is amended as follows:

A. Amend Chapter 1, § 199, DEFINITIONS, to add the following definition to the list of definitions in § 199.1:

Public Recreation and Community Center – An area, place, structure, or other facility under the jurisdiction of a public agency that is used for community recreation activities. A public recreation or community center may provide a range of health and wellness,

cultural, and arts and crafts activities, and educational classes and services. The center may include, but not be limited to, auditorium, multi-purpose room, gymnasium, meeting space, open space, playground, playing court, playing field, and swimming pool. The center shall not include examination rooms, treatment rooms, or other facilities for regular use by members of the medical or dental professions, but may include a first aid room. Such centers may have pantry-type kitchens with limited food storage and preparation areas, but shall not have kitchen facilities that are of the size customarily used to serve meals for large numbers of persons on a regular basis.

B. Amend Chapter 2, R-1 RESIDENCE DISTRICT USE REGULATIONS, § 201, USES AS A MATTER OF RIGHT (R-1), § 201.1, by adding a new paragraph (r) to read as follows:

(r) Public recreation and community center.

C. Amend Chapter 4, RESIDENCE DISTRICTS: HEIGHT, AREA, AND DENSITY REGULATIONS, as follows:

1) Amend § 400, HEIGHT OF BUILDINGS OR STRUCTURES (R), by adding a new § 400.14 to read as follows:

400.14 A public recreation and community center in any residential zone may be erected to a height not to exceed forty-five feet (45 ft.).

2) Amend § 402, FLOOR AREA RATIO (R), by adding new §§ 402.6 and 402.7 to read as follows:

402.6 A public recreation and community center in an R-1, R-2, or R-5-A district shall not exceed 0.9 floor area ratio, except that a public recreation and community center may have a floor area ratio up to 1.8 if approved by the Board of Zoning Adjustment, pursuant to § 3104.1.

402.7 A public recreation and community center in an R-3, R-4, R-5-B, R-5-C, R-5-D, or R-5-E district shall not exceed 1.8 floor area ratio.

3) Amend § 403, PERCENTAGE OF LOT OCCUPANCY (R), as follows:

a) Amend the table in § 403.2 to permit public recreation and community centers to have a maximum permitted lot occupancy of twenty percent (20%) in all residence districts.

b) By adding a new § 403.3 to read as follows:

403.3 A public recreation and community center may be permitted a lot occupancy in excess of twenty percent (20%), but not to exceed forty percent (40%), if approved by the Board of Zoning Adjustment; provided

that, in addition to the requirements of § 3104.1, the agency shows that the increase is consistent with agency policy of preserving open space.

4) Amend § 404, REAR YARDS (R), § 404.3 to read as follows:

404.3 In the case of a lot proposed to be used by a public school or a public recreation and community center that abuts or adjoins along the rear lot line a public open space, recreation area, or reservation, the required rear yard may be reduced or omitted.

5) Amend § 405, SIDE YARDS (R), § 405.7 to read as follows:

405.7 In the case of a lot located in an R-1 or R-2 district proposed to be used by a public school or a public recreation and community center that abuts or adjoins on one (1) or more side lot lines a public open space, recreation area, or reservation, the required side yard may be reduced or omitted.

6) By adding a new § 408 to read as follows:

408 GROSS FLOOR AREA

408.1 A public recreation and community center shall not exceed a gross floor area of forty thousand square feet (40,000 sq. ft.), unless approved by the Board of Zoning Adjustment as a special exception in accordance with the provisions of § 3104.1.

D. Chapter 5, SPECIAL PURPOSE DISTRICTS, is amended as follows:

1) Section 530, HEIGHT OF BUILDINGS OR STRUCTURES (SP), is amended as follows:

a) By adding a new § 530.2 to read as follows:

530.2 A public recreation and community center shall not exceed a height of forty-five feet (45 ft.).

b) Existing §§ 530.2 through 530.6 are renumbered §§ 530.3 through 530.7.

c) Subsection 530.3 is amended to read as follows:

530.3 The height of buildings or structures as specified in §§ 530.1 and 530.2 may be exceeded in the instances provided in §§ 530.4 through 530.6.

2) Section 531, FLOOR AREA RATIO (SP), is amended as follows:

a) Subsection 531.1 is amended by striking the phrase "§ 537" and inserting the phrase "§§ 531.2 and 537" in its place.

b) By adding a new § 531.2 to read as follows:

531.2 A public recreation and community center shall not exceed a 1.8 floor area ratio.

c) Existing §§ 531.2 through 531.4 are renumbered §§ 531.3 through 531.5.

3) Section 532, PERCENTAGE OF LOT OCCUPANCY (SP), is amended by adding new §§ 532.2 and 532.3 to read as follows:

532.2 No public recreation and community center may be permitted a lot occupancy in excess of twenty percent (20%).

532.3 A public recreation and community center may be permitted a lot occupancy in excess of twenty percent (20%), but not to exceed forty percent (40%), if approved by the Board of Zoning Adjustment; provided that, in addition to the requirements of § 3104.1, the agency shows that the increase is consistent with agency policy of preserving open space.

4) By adding a new § 538 to read as follows:

538 GROSS FLOOR AREA (SP)

538.1 A public recreation and community center shall not exceed a gross floor area of forty thousand square feet (40,000 sq. ft.), unless approved by the Board of Zoning Adjustment as a special exception in accordance with the provisions of § 3104.1.

E. Chapter 6, MIXED USE (COMMERCIAL RESIDENTIAL) DISTRICTS, is amended as follows:

1) Section 601, USES AS A MATTER OF RIGHT (CR), is amended by adding a new paragraph (u) to read as follows:

(u) Public recreation and community center.

2) Section 630, HEIGHT OF BUILDINGS OR STRUCTURES (CR), is amended by adding a new § 630.6 to read as follows:

630.6 A public recreation and community center shall not exceed a height of forty-five (45) feet.

3) By adding a new § 632 to read as follows:

632 GROSS FLOOR AREA (CR)

632.1 A public recreation and community center shall not exceed a gross floor area of forty thousand square feet (40,000 sq. ft.), unless approved by the Board of Zoning Adjustment as a special exception in accordance with the provisions of § 3104.1.

4) Section 634, PERCENTAGE OF LOT OCCUPANCY (CR), is amended as follows:

a) Subsection 634.1, is amended to read as follows:

634.1 Except as provided in § 634.4, no structure, including an accessory building devoted to residential use, shall occupy more than seventy-five percent (75%) of the lot upon which it is located.

b) A new § 634.4 is added to read as follows:

634.4 No public recreation and community center shall occupy more than twenty percent (20%) of the lot upon which it is located; except that it may occupy up to forty percent (40%) if approved by the Board of Zoning Adjustment pursuant to § 3104.1, provided that the agency shows that the increase is consistent with agency policy of preserving open space.

F. Amend Chapter 9, WATERFRONT DISTRICTS, as follows:

1) Section 901, USES AS A MATTER OF RIGHT (W), § 901.1 is amended by adding a new paragraph (v) to read as follows:

(v) Public recreation and community center.

2) Section 930, HEIGHT OF BUILDINGS OR STRUCTURES (W), is amended to read as follows:

930.1 Except as provided in this section, the height of buildings and structures shall not exceed the maximum height in the following table:

ZONE DISTRICT	MAXIMUM HEIGHT (Feet)
W-1	45 feet
W-2	60 feet, except that public recreation and community centers shall not exceed 45 feet.
W-3	90 feet, except that public recreation and community centers shall not exceed 45 feet.

3) Section 931, FLOOR AREA RATIO (W), §§ 931.1 through 931.3 are amended to read as follows:

931.1 In the W-1 District, the floor area ratio of all buildings and structures, except public recreation and community centers, on a lot shall not exceed two and five-tenths (2.5), not more than one (1.0) of which may be used for other than residential purposes. The floor area ratio of public recreation and community centers shall not exceed 1.8.

931.2 In the W-2 District, the floor area ratio of all buildings and structure, except public recreation and community centers, on a lot shall not exceed four (4.0), not more than two (2.0) of which may be used for other than residential purposes. The floor area ratio of public recreation and community centers shall not exceed 1.8.

931.3 In the W-3 District, the floor area ratio of all buildings and structures, except public recreation and community centers, shall not exceed six (6.0), not more than five (5.0) of which may be used for other than residential purposes. The floor area ratio of public recreation and community centers shall not exceed 1.8.

4) Section 932, PERCENTAGE OF LOT OCCUPANCY (W), is amended as follows:

a) Subsection 932.1 is amended by inserting at the beginning of the sentence the phrase: "Except as provided in § 932.4,".

b) By adding a new § 932.4 to read as follows:

932.4 No public recreation and community center shall occupy more than twenty *percent (20%) of the lot upon which it is located; except that it may occupy up* to forty percent (40%) if approved by the Board of Zoning Adjustment,

provided that, in addition to the requirements of § 3104.1, the agency shows that the increase is consistent with agency policy of preserving open space.

5) A new § 937 is added to read as follows:

937 GROSS FLOOR AREA (W)

937.1 A public recreation and community center shall not exceed a gross floor area of forty thousand square feet (40,000 sq. ft.), unless approved by the Board of Zoning Adjustment as a special exception in accordance with the provisions of § 3104.1.

G. Amend Chapter 20, NONCONFORMING USES AND STRUCTURES, § 2001, NONCONFORMING STRUCTURES DEVOTED TO CONFORMING USES,

1) Subsection 2001.3, paragraph (a) is amended by inserting after the word "requirements" the phrase ", except as provided in § 2001.13".

2) By adding a new § 2001.13 to read as follows:

2001.13 A public recreation and community center in existence as of November 28, 2003 may enlarge or make an addition that causes the structure to exceed lot occupancy requirements if approved by the Board of Zoning Adjustment in accordance with the provisions of § 3104.1.

H. Amend Chapter 21, OFF-STREET PARKING REQUIREMENTS, § 2101, SCHEDULE OF REQUIREMENTS FOR PARKING SPACES, § 2101.1, by adding to the list included in the INSTITUTIONAL category the following:

Public Recreation and Community Center Use		
	All districts	1 for each 2,000 ft². gross floor area of bldg. or use
Bleachers		
	All districts	1 for each 12 seats, plus 1 seat for each 20 seats above 700. If seats are not fixed, each 7 square feet usable for seating or each 18 inches of bleacher/bench space shall be considered 1 seat
Ball fields		
	All districts	5 spaces
Basketball courts		
	All districts	5 spaces
Tennis courts		
	All districts	1 space for every 2 courts

I. Amend Chapter 22, OFF-STREET LOADING FACILITY REQUIREMENTS, § 2201, SCHEDULE OF REQUIREMENTS FOR LOADING BERTHS, LOADING PLATFORMS, AND SERVICE/DELIVERY LOADING SPACES, by adding to the list in § 2201.1, to include the following:

USES AND DISTRICTS	MINIMUM NUMBER AND SIZE OF SERVICE/DELIVERY LOADING SPACES REQUIRED
Public recreation and community center with more than 30,000 sq. ft. gross floor area in all districts	1 @ 20 feet deep

J. Amend Chapter 31, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, § 3104, SPECIAL EXCEPTIONS, subsection 3104.1, by adding the following special exception to the table:

Public recreation and community center	Any R, SP, CR, or W District	§§ 402.7, 403.3, 408.1, 531.2, 532.3, 538.1, 632.1, 634.4, 931.3, 932.4, 937.1, and 2001.13

VOTE ON PROPOSED RULEMAKING

Vote of the Zoning Commission taken at its public meeting on December 9, 2002, to approve the proposed rulemaking: **5-0-0** (Carol J. Mitten, John G. Parsons, Anthony J. Hood, and James H. Hannaham, to approve; Peter G. May, by absentee ballot, to approve).

VOTE ON FINAL RULEMAKING

Vote on Increasing Special Exception Maximum Lot Occupancy

Vote of the Zoning Commission taken at its public meeting on June 9, 2003, to increase maximum lot occupancy allowed as a special exception: **3-0-2** (Peter G. May, John G. Parsons, James H. Hannaham, to grant, Anthony J. Hood, and Carol J. Mitten to deny).

Vote on Remainder of Final Rulemaking Text

Vote of the Zoning Commission taken at its public meeting on June 9, 2003, to approve: **5-0-0** (Carol J. Mitten, Peter G. May, John G. Parsons, James H. Hannaham, and Anthony J. Hood to approve).